PCT/DE2003/001898

●PATENT COOPERATION TREAT●

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2002P05093WO	**FOR FURTHER ACTION** See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE2003/001898	International filing date (*day/month/year*) 06 June 2003 (06.06.2003)	Priority date (*day/month/year*) 19 June 2002 (19.06.2002)
International Patent Classification (IPC) or national classification and IPC G06T 15/00		
Applicant SIEMENS AKTIENGESELLSCHAFT		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of _____5_____ sheets, including this cover sheet.

   ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

   These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

   I ☒ Basis of the report

   II ☐ Priority

   III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

   IV ☐ Lack of unity of invention

   V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

   VI ☐ Certain documents cited

   VII ☐ Certain defects in the international application

   VIII ☐ Certain observations on the international application

Date of submission of the demand 13 January 2004 (13.01.2004)	Date of completion of this report 30 July 2004 (30.07.2004)
Name and mailing address of the IPEA/EP Facsimile No.	Authorized officer Telephone No.

Form PCT/IPEA/409 (cover sheet) (July 1998)

I. Basis of the report

1. With regard to the **elements of the international application:***

☐ the international application as originally filed

☒ the description:

pages _____ 1-5 _____ , as originally filed

pages _____ , filed with the demand

pages _____ , filed with the letter of _____

☒ the claims:

pages _____ 1-3 _____ , as originally filed

pages _____ , as amended (together with any statement under Article 19

pages _____ , filed with the demand

pages _____ , filed with the letter of _____

☒ the drawings:

pages _____ 1/1 _____ , as originally filed

pages _____ , filed with the demand

pages _____ , filed with the letter of _____

☐ the sequence listing part of the description:

pages _____ , as originally filed

pages _____ , filed with the demand

pages _____ , filed with the letter of _____

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

☐ the language of publication of the international application (under Rule 48.3(b)).

☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/ or 55.3).

3. With regard to any **nucleotide and/or amino acid** sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* *Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).*

** *Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.*

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-3		YES
	Claims			NO
Inventive step (IS)	Claims			YES
	Claims	1-3		NO
Industrial applicability (IA)	Claims	1-3		YES
	Claims			NO

2. Citations and explanations

1. Reference is made to the following document:

   D1: EP-A-0 801 363 (NINTENDO CO LTD), 15 October 1997 (1997-10-15)

2. The solution proposed in claim 1 of the present application cannot be considered inventive (PCT Article 33(3)) because the claimed subject matter is disclosed in document D1, as follows:

2.1 Claim 1, lines 1 to 3:
Data-specific viewing of 3D data records using viewing software to produce a display on a 2D monitor.

D1 relates to a 3D image processor (see the title), for example for a games console (D1, page 3, lines 38 to 39), for displaying at least two objects in 3D space on a display unit (D1, page 2, lines 15 to 27).

2.2 Claim 1, lines 5 to 6:
The 3D data records are stored on a data carrier together with the viewing software.

The image processing system according to D1 has a

slot (13) for an external data carrier (20), preferably a ROM cartridge but alternatively also a CD-ROM (see figures 1 and 2, and page 3, lines 36 to 46). The image data (201) and the software (202) for displaying the image data are stored on the data carrier (see figure 3, and page 4, lines 9 to 13).

3.   Claim 1, lines 6 to 7:
The data carrier is transmitted to a user for playing on any personal computer (all platforms; see line 1 of claim 1) so that the user can view the 3D data records using the stored viewing software.

Although the image processor according to D1 is preferably part of a games console (D1, page 3, lines 38 to 39), D1 also explicitly mentions that the disclosed technology can also be used on a personal computer (page 3, lines 44 to 46).

The external data carrier in D1 (ROM cartridge or CD-ROM) has to be connected to the unit by the user (via slot (13) (figure 2)) and can therefore be carried and transmitted.

3.   Dependent claims 2 and 3 do not contain any features that meet the PCT requirements in respect of novelty and inventive step when combined with the features of any of the back-referenced claims. The reasons for this are as follows:

The problem addressed in D1 is that of keeping a controllable object in the field of view of a (virtual) camera (see the abstract and claim 1 in D1). To achieve this, the camera is moved so that there are no other objects in the intervening space. Solving the

geometrical problem requires knowledge not only of the positions of the controllable object and the camera, but also of various specifiable parameters of the (virtual) environment. At least the initial values of these parameters, which are implicitly unchangeable, are stored on the data carrier (see D1, page 7, lines 18 to 22). This corresponds to the subject matter claimed in claim 2.

As indicated above, D1 states that the data carrier may be a CD-ROM (page 3, lines 36 to 46). The subject matter of claim 3 therefore seems to be anticipated by the prior art.